

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Case No. 20-cv-676 (SRN/DTS)

v.

\$63,526 IN U.S. CURRENCY, and
\$583 IN U.S. CURRENCY,

**DEFAULT JUDGMENT
AND FINAL ORDER OF
FORFEITURE**

Defendants.

The United States moves for an order: (1) granting default judgment against Peter Phia Xiong, Mai Bou Vang, Payne Avenue Wine and Spirits, Inc., and all unknown persons and entities who have failed to file a verified claim to the defendant currency and answer to the Complaint for Forfeiture *In Rem*; and (2) for a Final Order of Forfeiture as to the defendant currency. The Court grants the motion, finding that:

1. The United States filed a Verified Complaint for Forfeiture *In Rem* on March 5, 2020, alleging that \$63,526 in United States Currency and \$583 in United States Currency (together, “the Defendant Currency”) is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6);

2. The Clerk of Court issued a Warrant of Arrest and Notice *In Rem* on March 6, 2020, directing the U.S. Customs and Border Protection Service to arrest the Defendant Currency and to serve all persons thought to have a potential interest in the Defendant Currency with a copy of the Complaint for Forfeiture *In Rem*, and the Warrant of Arrest and Notice *In Rem*;

3. The United States served the Notice of Judicial Forfeiture Proceedings, the Verified Complaint for Forfeiture *In Rem*, and the Warrant of Arrest and Notice *In Rem*, on the following people:

Mai Bou Vang, via Certified Mail, return receipt dated March 11, 2020;

Peter Phia Xiong c/o Mark R. Gaertner, Esq., via Certified Mail, return receipt dated March 12, 2020; and

Peter Phia Xiong, individually and as registered agent for Payne Avenue Wine and Spirits, via Certified Mail, return receipt dated April 25, 2020.

4. Pursuant to Rule G(4)(a)(iv)(C), the U.S. Attorney's Office posted a Notice of Forfeiture on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on March 7, 2020;

5. No verified claim or answer has been filed, and the time for filing a claim and answer has expired under Rule G(5), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;

6. On approximately April 22, 2021, Peter Phia Xiong contacted counsel for the Government, stating that he does not contest the forfeiture;

Therefore, based on the above and all of the files and records in this action, IT IS HEREBY ORDERED that:

1. The United States' Motion for Default Judgment and Final Order of Forfeiture [Doc. No. 8] is **GRANTED**;

2. A default judgment is entered against Peter Phia Xiong, Mai Bou Vang, Payne Avenue Wine and Spirits, Inc., and all unknown persons and entities having an interest in the Defendant Currency for failure to file a claim against the Defendant

Currency and an answer to the Verified Complaint for Forfeiture *In Rem* as required by 18 U.S.C. § 983(a)(4)(A) and (B), and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions; and

3. The Defendant Currency is forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6) for disposition in accordance with law.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 3, 2021

s/Susan Richard Nelson

SUSAN RICHARD NELSON
United States District Judge